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8
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 LARTERESTA LYON, an individual;

12 Plaintiff,

13 vs.

14
15 NEWMONT USA LIMITED, d/b/a and a/k/a
16 NEWMONT MINING also d/b/a and a/k/a
17 NEWMONT MINING CORPORATION;
EMPLOYEE(S)/AGENT(S) DOES I-X; and ROE
18 CORPORATIONS XI-XX, inclusive,

19 Defendants.

Case No.: 3:21-cv-00501-LRH-WGC

**STIPULATION AND ORDER FOR
SUBSTITUTION**

20
21 Nevada Gold Mines LLC (“NGM”) as the real party in interest for Defendant NEWMONT
22 USA LIMITED (“Newmont”), and Plaintiff Larteresta Lyon (“Plaintiff”), by and through their
23 respective undersigned counsel, hereby agree and stipulate as follows:

24 Nevada Gold Mines LLC was formed as the result of a joint venture between Newmont
25 and Barrick Gold of North America (“Barrick”) in March 2019. Since that time NGM has assumed
26 the liabilities from Newmont that may potentially arise out of this case. Accordingly, NGM is the
27 real party in interest and the proper named Defendant in this case.

28 The Parties further stipulate and agree that NGM will not later contend that Newmont was

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1 in fact the proper Defendant in this case.

2 The Parties further stipulate and agree that NGM will not raise any argument as to
3 Plaintiff's failure to exhaust administrative remedies or statute of limitations defenses that would
4 not have been equally applicable to Newmont.

5 NGM certifies that it does not believe there is any applicable insurance coverage for this
6 claim.

7 Pursuant to NRCP 41(a) Newmont USA Limited shall be replaced by Nevada Gold Mines
8 LLC as the proper named Defendant in this case. This Stipulation shall function as a voluntary
9 dismissal without prejudice of Newmont from this action.

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11 DATED this 20th day of December, 2021.

DATED this 20th day of December, 2021.

12
13 GABROY LAW OFFICES

SIMONS HALL JOHNSTON PC

14
15 /s/ Kaine Messer

/s/ Anthony Hall

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22 **IT IS SO ORDERED: Nevada Gold Mines shall be added as a party Defendant in**
23 **the caption.**

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26 Dated: December 20, 2021.

27 *William G. Cobb*

28 UNITED STATES MAGISTRATE JUDGE